ARTIFICIAL INTELLIGENCE AND COPYRIGHT LAWS

Declaration: The author has used an AI-assisted writing tool solely for language editing and grammar refinement purposes. All legal research, analysis, and conclusions presented in this manuscript are the author's own work.

ABSTRACT

The rapid advancement of Artificial Intelligence (AI) has generated significant legal and policy debates concerning intellectual property rights, data protection, and technological innovation. This article examines the existing regulatory framework governing AI related issues in India, with particular emphasis on intellectual property rights and data protection laws. It identifies key legal gaps and challenges arising from the application of traditional legal principles to AI generated content. The article further analyses legal framework governing the personal data processing and highlights the need for legislation tailored to the unique concerns posed by AI systems.

A comparative analysis shows that countries like the United States and European Union also prioritize human creativity, while China has taken a more flexible approach in certain cases.

Recent Indian developments, including policy consultations and expert committee discussions, indicate efforts to address these gaps. While AI enhances creativity and efficiency, it challenges traditional copyright principles. The paper concludes that a balanced legal framework is necessary to protect human creativity while regulating AI-generated works effectively.

Keywords: Copyright Act, Data Privacy, Section -17, U.S. Copyright, Generative -AI, European Union.

I. Introduction

With the growth of Artificial Intelligence (AI), the creative field has seen rapid advancement in terms of less time to create art, music, literature, or software. However, this advancement gives rise to a very serious concern about the rights of the original creators and the use of AI to create new data from the existing resources. This debate will shape the future of ownership and creativity in the current digital age and will play a role in the evolution of copyright laws to accommodate these upcoming challenges while balancing out the AI-driven growth. Generative AI is a prompt or input based AI response in which the user provides inputs or prompts, and AI uses the available resource to create new content in the form of text, image, audio, video, etc. based on the given command. The following issues become clearer when we examine the Indian Copyright Act of 1957.[1]

The Copyright Act of 1957 defines authors for different kinds of work based on their creativity and labour. The Act does not specifically refer to Artificial Intelligence (AI) as an author, however. This omission can cause confusion over copyright protection of works that involve little or no human effort. Section 17 of the Copyright Act states that the author is the first owner of copyright. AI is perceived as a nonlegal entity which can't be the owner of rights or obligations, so the question is who is the owner of the outputs of AI?

Under the Copyright Act, a programmer may be regarded as the author of a computer program because software is created through human skill, judgment, and intellectual effort. However, the authorship of AI-generated content raises distinct concerns because the output is produced by an AI system in response to prompts and may involve varying degrees of human participation. Consequently, issues arise regarding whether ownership should vest in the developer, programmer, user, or another human stakeholder.

Rather than conclusively stating that AI-generated works fall outside copyright protection, it is more accurate to observe that wholly AI-generated works raise unresolved questions of authorship and originality under the current legal framework. Furthermore, where AI-generated content substantially resembles pre-existing copyrighted works, concerns regarding potential copyright infringement may arise.

[1] Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India).

II. Subjective Analysis

As we know generative AI has been discussed, the positive side of AI has facilitated creativity by accelerating research as a whole, where real shapes of imagination are being priotized, and suggesting fresh concepts that helps in cognitive processes for unique creations. However, it has certain limitations, for example, Al fails to meet the needs of the copyrighted work, which include human-legal creativity in the creation of unique work because it depends on training data, which limits creativity and may be copied. Al fails to meet the originality test, which points out the author's own creativity as well as talent, effort, or hard work. Al-generated content raises concerns about the unresolved issue of identification of ownership as well as the possible decline of human creativity.

The ethical concerns of Al and copyright content goes beyond the Indian boundaries. The current status across jurisdictions of different countries are as follows:

United States: The US Copyright Office[2] majorly focuses on human authorship that remains a prior requirement for copyright protection. Consequently, works generated entirely by AI without sufficient human creative contribution are generally not eligible for copyright registration.

European Union:[3] The European Union focuses on human creativity as a compulsory requirement for copyright protection. While EU copyright law does not specifically consider AI as an author, discussions majorly focus on the extent of human involvement necessary for copyright protection in AI-assisted works.

Content created by AI generally continues to present legal uncertainty across jurisdictions, specifically regarding originality, authorship, ownership, and the balance between innovation and protection of human creativity. Recent policy discussions in India indicate a growing recognition of these challenges. However, references to specific governmental committees, reports, or consultations should be carefully verified through official sources before being relied upon in academic writing.

In country like china also it is a major concern which requires attention. Like if we take the example of Li Yunkai v. Liu Yuanchun[4] case, where the Beijing Internet Court considered

[2] U.S. Copyright Office, Library of Congress, Copyright and Artificial Intelligence (2023), https://www.copyright.gov/ai (last visited [14 June 2026])
[3] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 (EU Copyright Directive).

whether an image created by AI could qualify for copyright protection where the user made sufficient creative contributions through prompt design, parameter selection, and image refinement. The decision was based on the specific facts of the case and should not be interpreted as establishing a general rule that every user who provides prompts automatically qualifies as an author.

III. Legal Challenges Posed by Artificial Intelligence in Copyright Laws

The current copyright law is facing complex legal challenges because of rapid advancements of Artificial Intelligence. Traditional copyright law is based on the principle of human authorship, creativity, and intellectual effort. The current framework is disrupted by the work generated by AI creating machine-generated outputs that may lack substantial human creative input. This raises uncertainty about ownership, originality, and liability. Figuring out the authorship is still the major concern. In most copyright systems, including those in India, the United States, and the European Union, copyright protection is granted only to works created by a natural person. No matter how advanced AI systems is, it do not qualify as legal persons. Similarly, any work generated entirely by AI is not covered under traditional copyright protection unless a human author can be identified or sufficient human input can be found. Mostly, prompts are simple, like asking the AI to generate an image, essay, or design. Courts and policymakers debate whether this limited human involvement meets the originality requirement for copyright protection.

IV. Issue of Originality in AI-Generated Works

For most of the jurisdictions originality of content is the most important factor. Under Indian copyright law, originality generally requires a minimal degree of creativity and independent effort. But the originality of the content is challenged by AI because the output comes from large datasets and existing material on which the system has been trained. The AI reorganizes, recombines, and predicts outputs based on previous information. This raises concerns about whether such outputs can truly be deemed original. Furthermore, the lack of transparency in AI training data complicates the issue. Many generative AI systems use datasets that may include copyrighted works, often without clear permission from the original creators. This

4.Li Yunkai v. Liu Yuanchun, (2023) Jing 0491 Min Chu No. 11279 (Beijing Internet Ct. Nov. 27, 2023) (China)

creates questions about indirect copying and whether the outputs may infringe on existing copyrights, even if no direct reproduction occurs.

V. Authorship and Ownership Dilemma

Another key issue is determining ownership rights over AI-generated content. Several possible claimants exist in this context, including:

1. The programmer who designed the AI system
2. The company that owns the AI model
3. The user who provides prompts
4. The AI system itself

The current legal frameworks do not recognize AI as a legal entity capable of owning rights. Therefore, the focus shifts to human stakeholders. Granting ownership to programmers or developers may not be fitting in every case, as they do not directly participate in the creative process of each output. Users might claim that their prompts and instructions provide enough creative input. But the courts generally follows the instructions without substantial creative control do not meet the threshold for authorship.[5] This uncertainty creates legal ambiguity, which may discourage innovation or lead to disputes over ownership rights in AI-generated content.

VI. Copyright Infringement and Training Data Concerns

One of the biggest legal controversy about Artificial intelligence is whether copyrighted content can be used to train AI system. Mostly models generated through AI learn from collections of data like books, articles, images, websites and with the help of other public sources. While using AI-generated content that does not explicitly copy a protected work, there can be questions of substantial similarity, derivative works, and liability. These are now issues that are litigated between authors, artists and publishers, and AI developers. Further, issues of style imitation remain a threat to the copyright doctrine, especially when AI-generated works closely mimic the creative expression of particular creators.

VII. Approaches to AI and Copyright

Different jurisdictions follows different approaches to deal with AI-generated works. In the United States, the Copyright Office maintains that human authorship is a fundamental

[5] *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co., 499 U.S. 340 (1991).*

requirement for copyright protection. Works created without human intervention are not eligible for registration. However, if a human significantly contributes to the creative process, partial protection might be granted. The European Union follows a similar pattern, but has also explored regulating AI-generated content through broader digital and data governance frameworks. The EU focuses on transparency, accountability, and human oversight in AI systems. In China, courts have shown a more flexible approach in certain cases. For example, courts have recognized copyright protection for AI-generated images when a human user provided meaningful input through prompts and selection. This suggests to adjust traditional legal concepts to new technologies.

VIII. Indian Legal Position and Emerging Developments

India currently considers human beings as authors and follows human-centric approach to copyright law. The recent developments suggest that Indian regulators are actively addressing the issue of AI and copyright. The Copyright Office has started discussions on whether current laws are enough to handle AI-generated works. Additionally, policy bodies like NITI Aayog have stressed the need for regulatory frameworks that balance innovation with intellectual property rights protection.[6] There is still requirement of proper ruling by the Indian courts on the authorship of AI-generated works.

IX. Need for Legal Reform

Huge dependency on AI for creative work is alarming the urgent need for legal reform. The possible approach that can be adapted is a "sui generis" system for AI-generated works, which provides limited protection without contesting with human-created content. This would help distinguish between fully AI created work and genuinely Human-AI creations. Another approach can be formulating clear guidelines which are needed regarding the use of copyrighted material in AI training datasets to prevent large-scale infringement and ensure fair compensation for original creators.

X. Conclusion

There is still requirement to settle the conflict between the originality and human authorship of the work. The ongoing debate focuses on whether the inputs or prompts that resulted in the final work will be considered original enough to secure copyright protection. There is a need

[6] NITI Aayog, Approach Document for India: Part 1 – Principles for Responsible AI (Feb. 2021), https://www.niti.gov.in/node/326 (last visited [14 June 2026])

for adopting a balanced approach to ensure that human creativity is balanced with innovation and creativity. The traditional human authorship protection requires to be amended to ensure protection of the original creator and the AI generated content is not hampering the rights of the original creator. AI-generated works expose serious legal loopholes since they blur the distinction between human and machine input, despite the fact that copyright law was created to safeguard human creation.

The more practical approach is to assign rights and responsibilities to human stakeholders, such as programmers, users, or organisations, while concurrently improving doctrines of originality and fair use, rather than acknowledging AI as a legal author. Unchecked preservation of AI-generated information, however, runs the risk of impeding competition, innovation, and knowledge access. Therefore, encouraging originality while avoiding the monopolisation of machine-generated expression requires careful balancing. To sum up, AI does not mean that copyright will disappear. Legal frameworks now in place, both in India and around the world, are primarily anthropocentric and ill-suited to deal with autonomous or semi -autonomous creative outputs generated by AI systems.